

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADVANCED GLOBAL TECHNOLOGY, LLC, :

Plaintiff, :

-v- :

XM SATELLITE RADIO INC., :

Defendant. :
----- x

07 Civ. 3654(JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

Defendant moves for summary judgment dismissing the single-count first amended complaint, which alleges breach of contract against XM Satellite Radio ("XM") and seeks specific performance and other equitable relief. After careful consideration, the Court has determined to grant summary judgment dismissing the complaint, without prejudice to plaintiff's pursuing in arbitration a claim for damages for breach of contract. An opinion fully setting forth the reasons for this determination will issue in due course, at which time final judgment will be entered. Until then, the matter is stayed in all respects.

SO ORDERED.


JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
May 29, 2008

